

REMARKS

Applicant requests reconsideration and allowance in view of the foregoing remarks. Claims 1-4, 6-12, 14, 15, 30-35, and 38-51 are now pending, with claim 1 being independent. Claims 44-51 have been withdrawn from consideration as being directed to a non-elected invention. Claims 11 and 40 have been amended to place those claims in better form. By these amendments, no new matter has been added and no new issues are raised for reasons expressed below.

Claims 36 and 37

Several issues were raised with respect to claims 36 and 37. Claims 36 and 37 have been cancelled, thereby obviating the rejections under 35 U.S.C. § 112, 1st and 2nd paragraphs.

Paul in view of Cotten Rejection

Claims 1-15, 30-35, and 38-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Paul (U.S. Patent No. 6,052,709) in view of Cotten (U.S. Patent No. 6,330,590). Applicant submits that these rejections fail to establish a prima facie case of obviousness because the rejections fail to point out a basis within the relied-upon Paul and Cotten references for teaching or suggesting at least one feature expressly recited in each of these claims. More specifically, Paul and Cotton fail to describe or suggest monitoring a message associated with a security condition that reflects the indeterminate state by tracking a location of the message, inspecting at least one other message subsequent to the processing of the message, updating the stored data to indicate characteristics of the at least one other message that has been inspected, and recategorizing the security condition of the message based on the updated stored data, and reprocessing the message based on the security condition.

Claim 1 recites a method of identifying unwanted messages. A payload portion of a message being communicated is inspected and characteristics of the payload portion are identified. The characteristics of the inspected payload portion of the message are compared with stored data indicating characteristics of at least one other message that has been inspected. Based on comparison results, a security condition is identified from among at least one of

acceptable, unacceptable, and indeterminate states, and the message is processed based on the security condition. In particular, the message is rejected if the security condition associated with the message reflects the unacceptable state and the message is accepted if the security condition associated with the message reflects the acceptable state. If the security condition associated with the message reflects the indeterminate state, the message is monitored. Specifically, a location of the message is tracked and at least one other message is inspected subsequent to the processing of the message. The stored data is updated to indicate characteristics of the at least one other message that has been inspected and the security condition of the message is recategorized based on the updated stored data. Based on the security condition, the message is reprocessed.

The pending rejection of this claim, over Paul in view of Cotten, is not proper because the rejection fails to point out any basis in the references, taken alone or in combination, assuming the references may be combined, for teaching or suggesting monitoring a message associated with a security condition that reflects the indeterminate state by tracking a location of the message, inspecting at least one other message subsequent to the processing of the message, updating the stored data to indicate characteristics of the at least one other message that has been inspected, recategorizing the security condition of the message based on the updated stored data, and reprocessing the message based on the security condition.

Specifically, the final Office Action recognizes that Paul fails to disclose identifying a security condition as reflecting an indeterminate state and, if the security condition associated with a message reflects the indeterminate state, monitoring the message. See final Office Action at page 6, paragraph 15.

Furthermore, the only portions of Cotten referenced throughout prosecution with respect to these features are col. 4, lines 21-24, 35-36, and 46-58. See final Office Action at pages 6-7. None of the identified portions disclose or suggest monitoring a message associated with a security condition that reflects the indeterminate state by tracking a location of the message, inspecting at least one other message subsequent to the processing of the message, updating the stored data to indicate characteristics of the at least one other message that has been inspected, recategorizing the security condition of the message based on the updated stored data, and

reprocessing the message based on the security condition. In particular, Cotten at col. 4, lines 21-24 discloses identifying a bulk mailing signature code when three messages with the same signature code are detected going to three different e-mail addresses. Nothing in this portion of Cotten, however, discloses or suggests monitoring a message associated with a security condition that reflects the indeterminate state, much less monitoring a message in the manner recited in claim 1. Rather, this portion of Cotten merely discloses identifying a bulk mailing signature code for use in detecting unacceptable messages (e.g., SPAM) in future messages when a threshold number of the same message have been sent to different recipients.

In addition, Cotten at col. 4, lines 35-36 refers to Fig. 3 and discloses “attaching a SPAM ID flag 37, at least temporarily, to the message for later processing.” Although this portion of Cotten discloses later processing of a message identified as SPAM, nothing in Cotten discloses that the later processing includes anything more than delaying the processing of a message identified as SPAM. In fact, as shown in Fig. 3, a message exiting signature comparator 36 with a SPAM ID flag 37 does nothing more than proceed to SPAM deletion mechanism 38, suggesting that the later processing of the message is merely delayed deletion of a message identified as SPAM. Had “later processing” included recategorizing the security condition of the message and reprocessing the message based on the security condition, messages marked with a SPAM ID flag 37 would proceed to a mechanism other than a SPAM deletion mechanism 38. Thus, this portion of Cotten fails to disclose or suggest monitoring a message associated with a security condition that reflects the indeterminate state by tracking a location of the message, inspecting at least one other message subsequent to the processing of the message, updating the stored data to indicate characteristics of the at least one other message that has been inspected, recategorizing the security condition of the message based on the updated stored data, and reprocessing the message based on the security condition.

Moreover, Cotten at col. 4, lines 46-58 describes, for example, a detection and removal center 43. The detection and removal center 43 either generates SPAM ID signatures 44 to be used by other messaging systems to identify SPAM messages received or removes SPAM messages from an e-mail stream to produce a spamless e-mail stream 45. However, the detection and removal center 43 does not monitor a message associated with a security condition that

reflects the indeterminate state, much less do so in the manner recited in claim 1. Rather, the detection and removal center 43 is disclosed as merely performing a single detection and removal process to generate SPAM ID signatures or a spamless e-mail stream.

Notably, the final Office Action makes no reference to the feature of tracking a location of a message associated with a security condition that reflects the indeterminate state, as recited in claim 1.

Thus, the Examiner has failed to point out any portion in Paul or Cotten, or a proper combination of those references, that discloses or suggests monitoring a message associated with a security condition that reflects the indeterminate state by tracking a location of the message, inspecting at least one other message subsequent to the processing of the message, updating the stored data to indicate characteristics of the at least one other message that has been inspected, recategorizing the security condition of the message based on the updated stored data, and reprocessing the message based on the security condition.

Because neither Paul nor Cotten, taken alone or in combination, assuming the references may be combined, disclose or suggest every limitation recited in claim 1, Applicant submits that the Examiner has not made a proper rejection under 35 U.S.C. § 103(a). Accordingly, the rejection of claim 1, and its dependent claims 2-4, 6-12, 14, 15, and 30-43, should be withdrawn.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

For at least the reasons noted above, the rejections of record are clearly improper and without basis. Applicant submits that all of the claims are in condition for allowance.

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Respectfully submitted,

Date: _____

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Thomas A. Rozyłowicz
Reg. No. 50,620

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331